

April 20, 2009  
CITY COMMISSION OF THE CITY OF MUNISING  
AGENDA  
MONDAY, APRIL 20, 2009  
6:00 P.M.

- A. CALL TO ORDER OF REGULAR CITY COMMISSION MEETING, PLEDGE OF ALLEGIANCE, ROLL CALL
- B. PUBLIC COMMENT (non-agenda items)
- C. PRESENTATION: Char Carberry DDA Vision-Mission
- D. OLD CITY BUSINESS
  - 1. Approve Treasurer's Report
  - 2. Monthly Reports - Committee - Fire - Police - WWTP
- E. NEW CITY BUSINESS
  - 1. Kiosk and Summer Work Program at Marina
  - 2. Approve Payment Request for Munising Wastewater Project in the amount of \$14,577.61
  - 3. Approve Certificate of Substantial Completion for Wastewater Treatment Plant
  - 4. Approve Change Order #4 Gundlach Champion, Inc. increasing Contract B by \$7,129.38
  - 5. Renew Arena Concessionaire Contract - Pat Gariepy
  - 6. Approve Letter Carriers Food Drive Day (May 9, 2009) Proclamation
  - 7. Approve Bayshore Use Contract - Navigator Restaurant for July 25, 2009
  - 8. Approve Coastal Management Grant Application Resolution for Tourist Park
  - 9. Building and Grounds Recommendations on Water/Sewer
  - 10. Building and Grounds Recommendations on Fire Hall
  - 11. Approve Rural Development Resolution: Public Safety Police/Fire Hall
  - 12. Approve Rural Development Resolution: Public Works Department Snow Plow and 4 wd Tractor
  - 13. Approve Rural Development Resolution: Public Works Department Street Sweeper
  - 14. Approve Appraisal fee of \$1,400.00 re: Utility building
  - 15. Approve Sale of Utility Building to ALTRAN
  - 16. Approve Invoice for City of Lights, Inc.
  - 17. Approve City Commission Meeting Minutes of 3-16-09 & 4-2-09
  - 18. Check Register/List of Bills
  - 19. City Manager Report
- F. CORRESPONDENCE
- G. PUBLIC COMMENTS (non-agenda items)
- H. ADJOURNMENT

CITY COMMISSION

Official Proceedings

- A. CALL TO ORDER OF REGULAR CITY COMMISSION MEETING, PLEDGE OF ALLEGIANCE, ROLL CALL

After adjourning the Public Hearing the City Commission entered the Regular Commission Meeting held on Monday, **April 20, 2009**.

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All were still seated.

PRESENT: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor  
DesJardins  
ABSENT: Commissioner: Lovellette - absent excused

B. PUBLIC COMMENT (non-agenda items)

William Kinnunen spoke regarding the Prospect Street portion of the project, his concerns were about BACCO returning and restoring the yards, driveways, etc. City Manager Bovin stated that yes BACCO will be restoring all the project areas back to the original state. Mario Calcaterra of BACCO stated that on Thursday and Friday he would be available to talk to concerned citizens.

Kim Younger also spoke regarding the terrible conditions the trailer park tenants had to endure this winter. They have a large amount of damage to the park and tenants vehicles. Mario stated that weather permitting BACCO will be in town on Monday and Prospect Street is their first priority.

C. PRESENTATION: Char Carberry DDA Vision-Mission

Char Carberry the DDA Director gave a brief presentation of what the Downtown Development Authority has planned regarding a Revitalization Plan, a survey for citizen input, and an "Earn While You Learn" summer program. The Commission's consensus was good; the plan is aggressive and positive incentive for the City of Munising.

D. OLD CITY BUSINESS

1. Approve Treasurer's Report

Moved by Commissioner Beauprey to approve the Treasurer's Monthly Report as submitted. Supported by Commissioner Scholtz.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor  
DesJardins  
Nays: None

2. Monthly Reports - Committee - Fire - Police - WWTP

The Munising Area Partnership for Development met regarding consolidating with the Chamber of Commerce. Currently they are looking for a new name.

E. NEW CITY BUSINESS

1. Kiosk and Summer Work Program at Marina

Moved by Commissioner Beauprey to give permission to replace the old Kiosk with a new one (lighthouse structure), as presented to the Commission by Char Carberry. Supported by Commissioner Bornslaeger.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor  
DesJardins  
Nays: None

2. Approve Payment Request for Munising Wastewater Project in the amount of \$14,577.61

Moved by Commissioner Beauprey to approve the payment request for the Munising Wastewater Project in the amount of \$14,577.61 as requested. Supported by Commissioner Bornslaeger.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor  
DesJardins  
Nays: None

3. Approve Certificate of Substantial Completion for Wastewater Treatment Plant

Moved by Commissioner Beauprey to approve the Certificate of Substantial Completion for Contract B - Wastewater Treatment Plant project beginning February 9, 2009. Supported by Commissioner Scholtz.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor  
DesJardins  
Nays: None

4. Approve Change Order #4 Gundlach Champion, Inc. increasing Contract B by \$7,129.38

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Moved by Commissioner Scholtz to approve Change Order #4 Gundlach Champion, Inc. increasing Contract B by \$7,129.38. Supported by Commissioner Bornslaeger.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor DesJardins  
Nays: None

5. Renew Arena Concessionaire Contract - Pat Gariepy

Moved by Commissioner Beauprey to approve the renewal of the Arena Concessionaire Contract for another twelve (12) months with Upper Peninsula Recreation, Pat Gariepy. Supported by Commissioner Bornslaeger.

Moved by Commissioner Beauprey to amend the motion to include with no increase in wages. Supported by Commissioner Bornslaeger.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor DesJardins  
Nays: None

6. Approve Letter Carriers Food Drive Day (May 9, 2009) Proclamation

Moved by Commissioner Scholtz to approve the Letter Carriers Food Drive Proclamation, proclaiming May 9, 2009 as Letter Carriers Food Drive Day. Supported by Commissioner Bornslaeger.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor DesJardins  
Nays: None

THE CITY OF MUNISING  
Munising, Michigan  
**P R O C L A M A T I O N**

WHEREAS, the National Association of Letter Carriers, the United States Postal Service, and the Knights of Columbus have joined together with the St. Vincent de Paul Society of Munising for the 2009 Seventeenth Annual Letter Carriers' Food Drive; and

WHEREAS, the food drive was initiated in 1993 to assist the many community food banks, food pantries and homeless shelters throughout the nation; and

WHEREAS, the second Saturday in May has been set aside for the Annual Food Drive for the collection of food items donated by postal customers; and

WHEREAS, the Letter Carriers, assisted by the Knights of Columbus and local St. Vincent de Paul representatives, have developed a food delivery system that allows residents along postal routes to donate non-perishable food items to our local food bank; and

WHEREAS, the Food Drive is a community-based endeavor and all food items donated remain within our local community to serve the needs of the community.

NOW, THEREFORE, I, Rod DesJardins, Mayor of the City of Munising do hereby proclaim Saturday, May 9, 2009 as LETTER CARRIERS FOOD DRIVE DAY in the City of Munising and urge all our citizens to join in this effort and leave a food item by the mailbox on Saturday for the letter carriers to pick up as they make their rounds.

AND FURTHER, to offer our appreciation and admiration for our local Letter Carriers for the enthusiasm and unique contribution they are making towards the betterment of the community.

IN WITNESS WHEREOF, I have  
Hereunto set my hand and caused  
The Seal of the City of Munising  
To be affixed this 20<sup>th</sup> day of April  
2009.

\_\_\_\_\_  
Rod DesJardins, MAYOR

7. Approve Bayshore Use Contract - Navigator Restaurant for July 25, 2009

April 20, 2009

Moved by Commissioner Beauprey to approve the Contract for Use of Bay Shore Property for the Navigator Restaurant, Lonnie Shellnut contingent upon insurance coverage and any fees imposed by July 25, 2009. Supported by Commissioner Bornslaeger.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor DesJardins  
Nays: None

8. Approve Coastal Management Grant Application Resolution for Tourist Park

Moved by Commissioner Bornslaeger to approve the Coastal Management Grant Application Resolution for the Tourist Park. Supported by Commissioner Beauprey.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor DesJardins  
Nays: None

**RESOLUTION APPROVING THE SUBMISSION OF A COASTAL MANAGEMENT GRANT APPLICATION FOR ADDITIONAL PUBLIC BEACH ACCESS FROM THE TOURIST PARK CAMPGROUND**

Whereas, the City intends to provide additional public beach access to Lake Superior from the western end of the city's Tourist Park Campground, and

Whereas, funding is available from the U.S. Department of Commerce through the Michigan Coastal Management Program for boardwalk and viewing deck construction, and

Whereas, the project is estimated to be about \$40,000.00, and

Whereas, the City of Munising is committed to funding on-half of the total cost, with a combination of cash and/or in kind labor:

Now Therefore Be It Resolved, the City of Munising approves the submission of a grant application to the Michigan Coastal Management Program in the amount of \$40,000.00 for construction of a boardwalk and viewing deck at the Tourist Park Campground and commits that the local match of up to \$20,000.00 will be provided if funded.

Adopted this 20<sup>th</sup> day of April, 2009.

Motion made by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Ayes:

Nays:

Absent:

By: \_\_\_\_\_  
Sue Roberts, City Clerk

9. Building and Grounds Recommendations on Water/Sewer

Moved by Commissioner Beauprey to authorize the City Manager to pursue additional funding with Rural Development and to apply for available money. Supported by Commissioner Bornslaeger.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor DesJardins  
Nays: None

10. Building and Grounds Recommendations on Fire Hall

Moved by Commissioner Beauprey to authorize the City Manager to work with the City Attorney to begin preliminary conversations and a contract moving toward accepting the proposal. Supported by Commissioner Bornslaeger.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor DesJardins  
Nays: None

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11. Approve Rural Development Resolution: Public Safety Police/Fire Hall

Moved by Commissioner Beauprey to approve the Rural Development Resolution for the Public Safety Police/Fire Hall. Supported by Commissioner Bornslaeger.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor DesJardins  
Nays: None

LOAN RESOLUTION

A RESOLUTION OF THE CITY COMMISSION OF THE MUNICIPALITY AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS PUBLIC SAFETY POLICE/FIRE HALL FACILITY TO SERVE AN AREA LAWFULLY WITHIN INTS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the City of Munising, (herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of \$1,550,000.00 pursuant to the provisions of Act 34, Public Acts of 2001; and

WHEREAS, the Association intends to obtain assistance from the Rural Housing Service, Rural Business-Cooperative Service, Rural Utilities Service, or their successor Agencies with the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983 (c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to each construction contract and subcontract involving in excess of \$10,000.00.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same sources of funds pledged to pay the bonds or any other legal permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incidents to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any legally permissible source). Incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contract or agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.

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8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State of Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above the needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by the Government. No free service or use of the facility will be permitted.
11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. to provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established and maintained, disbursements from the account may be used when necessary for payments due on the bond if sufficient funds are not otherwise available. With the prior written approval of the Government, funds may be withdrawn for:
  - (a) Paying the cost of repairing or replacing any damage to the facility caused by catastrophe.
  - (b) Repairing or replacing short-lived assets.
  - (c) Making extensions or improvements to the facility.

Any time funds are disbursed from the reserve account, additional deposits will be required until the reserve account has reached the required fund level.

15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain the Government's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$50,000.00 under the terms offered by the Government; that the Mayor and Clerk of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of section 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

The vote was:           Yeas \_\_\_\_\_ Nays \_\_\_\_\_ Absent \_\_\_\_\_.

IN WITNESS WHEREOF, the City Commission of the City of Munising has duly adopted this resolution and caused it to be executed by the officers below in duplicate on this \_\_\_\_\_d day of \_\_\_\_\_, 2009.

(SEAL)

\_\_\_\_\_  
By Rod DesJardins

April 20, 2009

Attest:

Title: Mayor

\_\_\_\_\_  
Sue Roberts

City Clerk

12. Approve Rural Development Resolution: Public Works Department  
Snow Plow and 4 wd Tractor

Moved by Commissioner Beauprey to approve the Rural Development Resolution for the Public Works Department Snow Plow and 4 wheel drive Tractor. Supported by Commissioner Scholtz.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor  
DesJardins  
Nays: None

LOAN RESOLUTION  
(Public Bodies)

A RESOLUTION OF THE CITY COMMISSION OF THE MUNICIPALITY AUTHORIZING AND PROVIDING FOR THE INCURRANCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS PUBLIC WORKS DEPARTMENT SNOW PLOW AND 4WD TRACTOR FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURSDICTION TO SERVE.

WHEREAS, it is necessary for the City of Munising, (herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of \$181,000.00 pursuant to the provisions of Public Act 99 of 1933 As Amended; and

WHEREAS, the Association intends to obtain assistance from the Rural Housing Service, Rural Business-Cooperative Service, Rural Utilities Service, or their successor Agencies with the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983 (c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to each construction contract and subcontract involving in excess of \$10,000.00.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same sources of funds pledged to pay the bonds or any other legal permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any legally permissible source). Incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such

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instrument may be construed by the Government to constitute default hereunder.

6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contract or agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State of Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above the needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by the Government. No free service or use of the facility will be permitted.
11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. to provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established and maintained, disbursements from the account may be used when necessary for payments due on the bond if sufficient funds are not otherwise available. With the prior written approval of the Government, funds may be withdrawn for:
  - (a) Paying the cost of repairing or replacing any damage to the facility caused by catastrophe.
  - (b) Repairing or replacing short-lived assets.
  - (c) Making extensions or improvements to the facility.

Any time funds are disbursed from the reserve account, additional deposits will be required until the reserve account has reached the required fund level.

15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain the Government's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$50,000.00 under the terms offered by the Government; that the Mayor and Clerk of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of section 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.



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The vote was: Yeas \_\_\_\_\_ Nays \_\_\_\_\_ Absent \_\_\_\_\_.

IN WITNESS WHEREOF, the City Commission of the City of Munising has duly adopted this resolution and caused it to be executed by the officers below in duplicate on this \_\_\_\_\_ d day of \_\_\_\_\_, 2009.

(SEAL)

\_\_\_\_\_  
By Rod DesJardins

Attest:

Title: Mayor

\_\_\_\_\_  
Sue Roberts

City Clerk

13. Approve Rural Development Resolution: Public Works Department Street Sweeper

Moved by Commissioner Bornslaeger to approve the Rural Development Resolution for the Public Works Department Street Sweeper. Supported by Commissioner Scholtz.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor DesJardins  
Nays: None

LOAN RESOLUTION  
(Public Bodies)

A RESOLUTION OF THE CITY COMMISSION OF THE MUNICIPALITY AUTHORIZING AND PROVIDING FOR THE INCURRANCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS PUBLIC WORKS DEPARTMENT STREET SWEEPER FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the City of Munising, (herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of \$121,000.00 pursuant to the provisions of Public Act 99 of 1933 As Amended; and

WHEREAS, the Association intends to obtain assistance from the Rural Housing Service, Rural Business-Cooperative Service, Rural Utilities Service, or their successor Agencies with the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983 (c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to each construction contract and subcontract involving in excess of \$10,000.00.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same sources of funds pledged to pay the bonds or any other legal permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incidents to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the

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source of funds pledged to pay the bonds or any legally permissible source). Incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.

6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contract or agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State of Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above the needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by the Government. No free service or use of the facility will be permitted.
11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. to provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established and maintained, disbursements from the account may be used when necessary for payments due on the bond if sufficient funds are not otherwise available. With the prior written approval of the Government, funds may be withdrawn for:

- (a) Paying the cost of repairing or replacing any damage to the facility caused by catastrophe.
- (b) Repairing or replacing short-lived assets.
- (c) Making extensions or improvements to the facility.

Any time funds are disbursed from the reserve account, additional deposits will be required until the reserve account has reached the required fund level.

15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain the Government's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$35,000.00 under the terms offered by the Government; that the Mayor and Clerk of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

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The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of section 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

The vote was: Yeas \_\_\_\_\_ Nays \_\_\_\_\_ Absent \_\_\_\_\_.

IN WITNESS WHEREOF, the City Commission of the City of Munising has duly adopted this resolution and caused it to be executed by the officers below in duplicate on this \_\_\_\_\_d day of \_\_\_\_\_, 2009.

(SEAL)

\_\_\_\_\_  
By Rod DesJardins

Attest:

Title: Mayor

\_\_\_\_\_  
Sue Roberts

City Clerk

14. Approve Appraisal fee of \$1,400.00 re: Utility building

Moved by Commissioner Beauprey to approve the bill of \$1,400.00 for an appraisal on the City's utility building. Supported by Commissioner Scholtz.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor  
DesJardins  
Nays: None

15. Approve Sale of Utility Building to ALTRAN

Moved by Commissioner Bornslaeger to sell the property/utility building to ALTRAN pursuant the Purchase Agreement to be negotiated by the City Manager and ALTRAN people and the contract must include a reservation of rights by the City to continue to use a portion of the building for perpetuity. Supported by Commissioner Beauprey.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor  
DesJardins  
Nays: None

16. Approve Invoice for City of Lights, Inc.

Moved by Commissioner Scholtz to approve the invoices for City of Lights, Inc. as presented. Supported by Commissioner Bornslaeger.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor  
DesJardins  
Nays: None

17. Approve City Commission Meeting Minutes of 3-16-09 & 4-2-09

Moved by Commissioner Bornslaeger to approve the City Commission Meeting Minutes of 3-16-09 and 4-2-09 as presented. Supported by Commissioner Beauprey.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor  
DesJardins  
Nays: None

18. Check Register/List of Bills

Moved by Commissioner Beauprey to approve and pay the check register/list of bills as presented. Supported by Commissioner Bornslaeger.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor  
DesJardins  
Nays: None

19. City Manager Report

City Manager Bovin began by stating that MDOT will be coming in May to reline Munising Ave. from H-58 west with the new three lane configuration. Later in

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the year they will come back and grind and paint the lanes with a paint that will last longer and be much more visible. Also, a stop sign will be placed at the H-58 corner. He then stated that Vern with Wilcox, the traffic light engineer had made contact with him and the final changes have been received from MDOT on the light. Regarding the old Vactor Truck, an ad will be put in the paper to try to sell it. Bovin then mentioned that he is currently working on three grievances with the Union. Next, Bovin stated that he had received a quote to remove the old boiler in the basement; it would cost \$700.00, at this time the boiler will remain in the basement. The City has received \$15,100.00 from the Cemetery Fund for the new sprinkler system; A-1 has been sent a check. Regarding the boat launch, we are still working on this project; the City Crew did a great job fixing up the launch/docks it is hopeful this project will get completed this year. The Bike Path is still in the works too, we need a couple of more easements to make this happen.

F. CORRESPONDENCE

Correspondence included a letter from the DEQ regarding a Wellhead Protection Program.

G. PUBLIC COMMENTS (non-agenda items)

There were none.

H. ADJOURNMENT

Moved by Commissioner Bornslaeger to adjourn the Regular Meeting of the City Commission. Supported by Commissioner Scholtz.

Approved: Yeas: Commissioners: Scholtz, Bornslaeger, Beauprey and Mayor  
DesJardins  
Nays: None

The Regular Meeting of the City Commission adjourned at 8:40 p.m.

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Rod DesJardins, Mayor

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Sue Roberts, City Clerk

LIST OF BILLS

20510)	ALGER PARKS & RECREATION - PETTY CASH	32.86
20511)	ANGRY PC	95.00
20512)	PHILIP HANSEN	173.25
20513)	MICHIGAN RECREATION AND PARK	95.00
20514)	MUNISING COMMUNITY CREDIT UNION-VISA	246.31
20515)	MUNISING PUBLIC SCHOOLS	457.50
20516)	DAISY NIEMAN	50.00
20517)	PETERSON PUBLISHING INC.	25.00
20518)	VINTAGE SNO SHOW	500.00
20519)	GETHYN WAY	544.00
20520)	ALGER COUNTY CLERK	16.25
20521)	AT&T MOBILITY	236.33
20522)	CHARLENE CARBERRY	769.23
20523)	CITY OF MUNISING-PETTY CASH	139.68
20524)	MARILYN DESARMO	165.00
20525)	DTE ENERGY	637.59
20526)	ENVIRONMENTAL RESOURCE ASSOCIATION	248.28
20527)	KELLEY MARKETING	150.00
20528)	VOIDED	VOIDED
20529)	METROPOLITAN UNIFORM	443.92
20530)	MIDWAY RENTALS	358.68
20531)	M-TEC AT BAY COLLEGE	2163.21
20532)	NORTHERN TOOL & EQUIPMENT COMPANY	190.71
20533)	NORTRAX EQUIPMENT INC.	114.81
20534)	PENINSULA LAND SURVEYING LLC	80.00
20535)	QUILL CORPORATION	772.47
20536)	MARY SCHROEDER	165.00
20537)	SHELL FLEET PLUS	9863.96
20538)	MARIE A. ST. AMOUR	165.00
20539)	STANDARD INSURANCE COMPANY	709.16
20540)	TIME EMERGENCY EQUIPMENT	220.60
20541)	U.P. POWER COMPANY	47.85
20542)	U.S. POSTMASTER-MUNISING	195.00
20543)	UPPER PENINSULA RECREATION INC.	1230.77

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20544)	VOIDED	VOIDED
20545)	LMAS LUCE COUNTY	260.00
20546)	CITY OF MUNISING-WATER DEPARTMENT	732.84
20547)	HIAWATHA TELEPHONE COMPANY	911.03
20548)	METROPOLITAN UNIFORM	229.99
20549)	NORTHWOODS PRINTING	259.00
20550)	ALGER PARKS AND RECREATION -PETTY CASH	62.19
20551)	BOB'S IGA	95.40
20552)	LESLIE HANNAH	240.00
20553)	HIAWATHA TELEPHONE COMPANY	144.05
20554)	D. ROBB FERGUSON	1666.66
20555)	U.S. POSTMASTER-MUNISING	126.00
20556)	41 LUMBER COMPANY	36.44
20557)	AIRGAS NORTH CENTRAL	20.15
20558)	JESSE AKE	21.25
20559)	ALGER COUNTY CHAMBER OF COMMERCE	60.00
20560)	ALTRAN	7.50
20561)	RYAN ANDERSON	28.18
20562)	BANC OF AMERICA LEASING	346.65
20563)	BAY DE NOC COMMUNITY COLLEGE	581.51
20564)	GREG BEATTY	48.61
20565)	JEFFREY BEAUCHAINE	40.10
20566)	CHRISTOPHER BEAUCHAMP	29.30
20567)	BILL BELEN	46.48
20568)	SHAUN BROCK	43.23
20569)	JEAN BURKE	30.63
20570)	WILLIAM CABANAW	41.67
20571)	DANNY CHARTRAND	184.95
20572)	CITY OF MUNISING-CITY HALL	600.00
20573)	COLLEGE LAUNDRY & RENTAL	244.50
20574)	STEPHEN DAUSEY	43.28
20575)	DENMAN'S HARDWARE	100.30
20576)	DTE ENERGY	730.35
20577)	EL-COM SERVICES, INC.	39.00
20578)	DAVE FULCHER	39.64
20579)	BROMLEY HALL	19.68
20580)	PAUL HASE	31.32
20581)	HEALTHY HOMES INC.	84.70
20582)	HIAWATHA TELEPHONE COMPANY	43.46
20583)	HIAWATHA TELEPHONE COMPANY	47.91
20584)	INTERNAL REVENUE SERVICE (IRS)	260.15
20585)	TERRY KEINITZ	40.11
20586)	DEREK KOLBUS	30.86
20587)	MADIGAN'S HARDWARE	295.43
20588)	DAN MALONE	68.58
20589)	MICHIGAN MUNICIPAL BOND AUTHORITY	2447.50
20590)	MML - UNEMPLOYMENT COMP GROUP	127.81
20591)	MIDWAY RENTALS	65.30
20592)	MILLER BRADFORD & RISBERG	225.59
20593)	MUNISING COMMUNITY CREDIT UNION-VISA	825.08
20594)	MUNISING COMMUNITY CREDIT UNION-VISA	208.53
20595)	NAPA AUTO PARTS	1014.51
20596)	RICHARD NEBEL	40.86
20597)	NELSON OIL COMPANY	15.00
20598)	NORTH CENTRAL LABORATORIES	561.08
20599)	NORTHERN MICHIGAN PUBLIC	30.00
20600)	PARAGON LABORATORIES, INC.	180.00
20601)	PETERSON PUBLISHING INC.	1010.61
20602)	PUTVIN DRUG STORE	23.21
20603)	QUILL CORPORATION	265.96
20604)	BILL RIORDAN	51.40
20605)	S.L.C. METER SERVICE	1013.04
20606)	SEW FOR YOU	33.00
20607)	SCOTT STEINHOFF	49.78
20608)	SCOTT STIMAC	2.04
20609)	STREICHER'S - MINNEAPOLIS	113.98
20610)	ROBERT TIERNAN	19.98
20611)	TIMOTHY TIERNAN	39.62
20612)	U.P. POWER COMPANY	4067.91
20613)	VALLEY TRUCK PARTS, INC.	234.37
20614)	JEREMY VANLANDSCHOOT	31.36
20615)	WILLEYS TIRE SHOP	423.88
20616)	TONY ZALESKI	33.47
20617)	A-1 WATER SYSTEMS, INC.	15100.00
20618)	HOLIDAY COMPANIES	1549.06
20619)	CHARLENE CARBERRY	769.23
20620)	MUNISING AREA PARTNERHIPS FOR DEVELOPMENT	5000.00
20621)	AIRGAS NORTH CENTRAL	60.14
20622)	AN*SER SERVICES & TEL/SEE	64.05
20623)	AT&T MOBILITY	50.13
20624)	JIM BJORNE	30.00

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20625)	BLUE CROSS BLUE SHIELD OF MICHIGAN	1546.44
20626)	BLUE CROSS BLUE SHIELD OF MICHIGAN	3007.21
20627)	BLUE CROSS BLUE SHIELD OF MICHIGAN	4511.20
20628)	BLUE CROSS BLUE SHIELD OF MICHIGAN	3471.25
20629)	BLUE CROSS BLUE SHIELD OF MICHIGAN	458.73
20630)	BLUE CROSS BLUE SHIELD OF MICHIGAN	15814.63
20631)	VOIDED	VOIDED
20632)	DANNY CHARTRAND	137.50
20633)	CITY OF MUNISING-PETTY CASH	90.44
20634)	DSTECH	70.00
20635)	DTE ENERGY	5439.46
20636)	GREAT AMERICAN DISPOSAL COMPANY	4031.82
20637)	HIAWATHA TELEPHONE COMPANY	38.52
20638)	MENARDS	142.83
20639)	MICHIGAN STATE OF (MDOT)	300.04
20640)	MSU EXTENSION-BARAGA COUNTY	75.00
20641)	MUNISING AREA PARTNERSHIP FOR DEVELOPMENT	5000.00
20642)	MUNISING COMMUNITY CREDIT UNION-VISA	123.85
20643)	THE NEWBERRY NEWS	105.00
20644)	NORTHWOODS PRINTING	311.99
20645)	PEOPLES STATE BANK	22797.61
20646)	PONTEM SOFTWARE BY RIA	2328.00
20647)	TELNET WORLDWIDE, INC.	20.64
20648)	U.P. POWER COMPANY	5482.09
20649)	UPPER PENINSULA RECREATION INC.	1230.77
20650)	WEST PAYMENT CENTER	500.34
20651)	G & S ROOFING & PAINTING	1680.00
20652)	ALTRAN	150.00
20653)	KOROTHY KARR	136.00
20654)	DEBRA LAPLAN	200.00
20655)	JULIE MATSON	125.63
20656)	MUNISING COMMUNITY CREDIT UNION-VISA	835.34
20657)	PETERSON PUBLISHING INC.	224.00
20658)	ASSOCIATED CONSTRUCTORS	9805.50
20659)	AUTO VALUE OF MUNISING-OK AUTO	43.50
20660)	AUTO VALUE OF MUNISING-OK AUTO	763.08
20661)	DOWNTOWN IDEA EXCHANGE	206.50
20662)	HANNULA AGENCY	2290.00
20663)	LOWE'S COMMERCIAL SERVICES	95.94
20664)	LYLE RUSHFORD	78.03
20665)	U.P. POWER COMPANY	15920.98
20666)	ZEP SALES & SERVICE	151.18